



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE August 18, 2006	CONTACT/PHONE Michael Conger (805) 781-5136	APPLICANT Gerald Hazelton	FILE NO. DRC2005-00220
EFFECTIVE DATE September 2, 2006			
SUBJECT Request by Gerald Hazelton for a Minor Use Permit to allow grading over an acre for a driveway and building pad for a secondary residence. The project will result in the disturbance of approximately 1.42 acres of a 39.57 acre parcel, including 5,100 cubic yards of cut and 4,050 cubic yards of fill. The proposed project is within the Rural Lands land use category and is located at 7001 and 7007 Old Adobe Way, at the southeast corner of Old Adobe Way and Kingsbury Road, approximately 2.14 miles east of the City of Atascadero. The site is in the El Pomar-Estrella planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2005-00220 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A General Rule Exemption was issued on July 14, 2006.			
LAND USE CATEGORY Rural Lands	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 034-501-007	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: Light and Glare <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Height; Setbacks; Residential Density; Mobile Home Standards; Grading <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on September 2, 2006, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Residential, dog kennel (authorized by zoning clearance ZON2004-00787)			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Rural Lands / residential, hobby agriculture <i>East:</i> Rural Lands / residential, hobby agriculture <i>South:</i> Rural Lands / residential, hobby agriculture <i>West:</i> Rural Lands / residential, hobby agriculture			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Templeton Area Advisory Group, Public Works, Ag Commissioner, Cal Trans, and Regional Water Quality Control Board.			
TOPOGRAPHY: Gently to moderately sloping		VEGETATION: Grasses, scattered oaks	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF/County Fire	ACCEPTANCE DATE: July 10, 2006
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DISCUSSION

LAND USE ORDINANCE STANDARDS:

Grading Standards – The applicant is requesting a Minor Use Permit to allow grading with site disturbance over an acre, as required by Table 2-3 of the Land Use Ordinance. A grading permit will be required, as the project involves more than 50 cubic yards of earthwork (10 cubic yard per Planning Area Standard). Additionally, because the project involves more than one acre of site disturbance, a Storm Water Pollution Prevention Program (SWPPP) will be required for review and approval from the Regional Water Quality Control Board.

Property Development Standards – The following table summarizes the applicable general property development and operating standards described in Chapter 10 of the Land Use Ordinance:

Standards	Description	Required	Proposed	Status
Height	Rural Lands	35 feet	≈ 15 feet	Meets Standard
Site Area	Single Family Residence (Shared Well, Septic)	1 net acre	≈ 39 net acres	Meets Standard
Front	Standard Requirement	25 feet	≈ 750 feet	Meets Standard
Rear	sites 1 acre or more	30 feet	340 feet	Meets Standard
Side	sites 1 acre or more	30 feet	North: 320 feet South: ≈ 1000 feet	Meets Standard
Interior	Accessory Building	6 feet	> 6 feet for all accessory buildings	Meets Standard

As proposed, the project meets the property development standards of the Land Use Ordinance.

Residential Density – The proposed parcel is within the Rural Lands land use category, which allows a density of two single family dwellings per parcel. The proposed residence will serve as the second single family dwelling. Second units in the Rural Lands category are not subject to the special use standards in Section 22.30.470 (secondary dwellings).

Mobile Home Standards – The Land Use Ordinance includes requirements relating to the exterior siding and roofing for new mobile homes outside of mobile home parks. Additionally, new mobile homes are required to have eaves and overhangs of not less than one foot. As proposed and conditioned, the project meets this standard.

PLANNING AREA STANDARDS:

Light and Glare – The applicant has provided a preliminary exterior lighting plan showing two exterior lights with 65-watt bulbs. The project is conditioned to require that lighting fixtures be shielded so that neither the lamp nor the reflector are visible, and that the light hoods be dark in color.

COMMUNITY ADVISORY GROUP COMMENTS: The project was reviewed by the Templeton Area Advisory Group (TAAG) on June 15, 2006. TAAG recommended approval of the project at that time.

AGENCY REVIEW:

Public Works – No comment.

Ag Commissioner – As of July 25, 2006, no response has been received.

Cal Trans – As of July 25, 2006, no response has been received.

RWQCB – As of July 25, 2006, no response has been received.

Building – This project will require a separate grading permit; slope stability and overexcavation will need to be addressed; a SWPPP is required for grading over an acre; engineered grading requires a licensed professional; balanced cut and fill is preferred.

LEGAL LOT STATUS:

The one existing lot was created by a recorded pre-1893 map, Rancho La Asuncion (Book A, Page 1 of Maps), recorded December 27, 1888. The lot was legalized by the issuance of building permits, including Permit A9074 issued on January 28, 2000.

Staff report prepared by Michael Conger and reviewed by Kami Griffin.

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment, therefore, the activity is not subject to CEQA (State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption).

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a second residence is an allowed use in the Rural Lands land use category, and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the second unit does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed residential unit is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Old Adobe Way, a private local road constructed to a level able to handle any additional traffic associated with the project.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes
 - a. grading over an acre for a driveway and building pad for a secondary residence. The project will result in the disturbance of approximately 1.42 acres of a 39.57 acre parcel, including 5,100 cubic yards of cut and 4,050 cubic yards of fill. Grading permit issuance is required.
 - b. maximum height is 16 from average natural grade.

Conditions required to be completed at the time of application for grading/construction permits

Site Development

2. **At the time of application for grading/construction permits** plans submitted shall show all grading consistent with the approved preliminary grading plan, and construction consistent with the approved site plan, floor plans, and elevations.
3. **At the time of application for construction permits**, the applicant shall provide light fixture details for proposed exterior lighting. The details shall demonstrate shielding of the lamp and reflective surface. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, plans submitted shall demonstrate the proposed mobile home's consistency with the design standards of Section 22.30.450 of the Land Use Ordinance. Eaves and gables shall have a minimum overhang of one foot as measured from the vertical side of the home.

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in a Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

Services

6. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
7. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Water Quality

8. **At the time of application for construction permits**, the applicant shall demonstrate that a Storm Water Pollution Prevention Plan (SWPPP) has been reviewed and approved by the Regional Water Quality Control Board (RWQCB).

Conditions to be completed prior to issuance of a construction permit

Fees

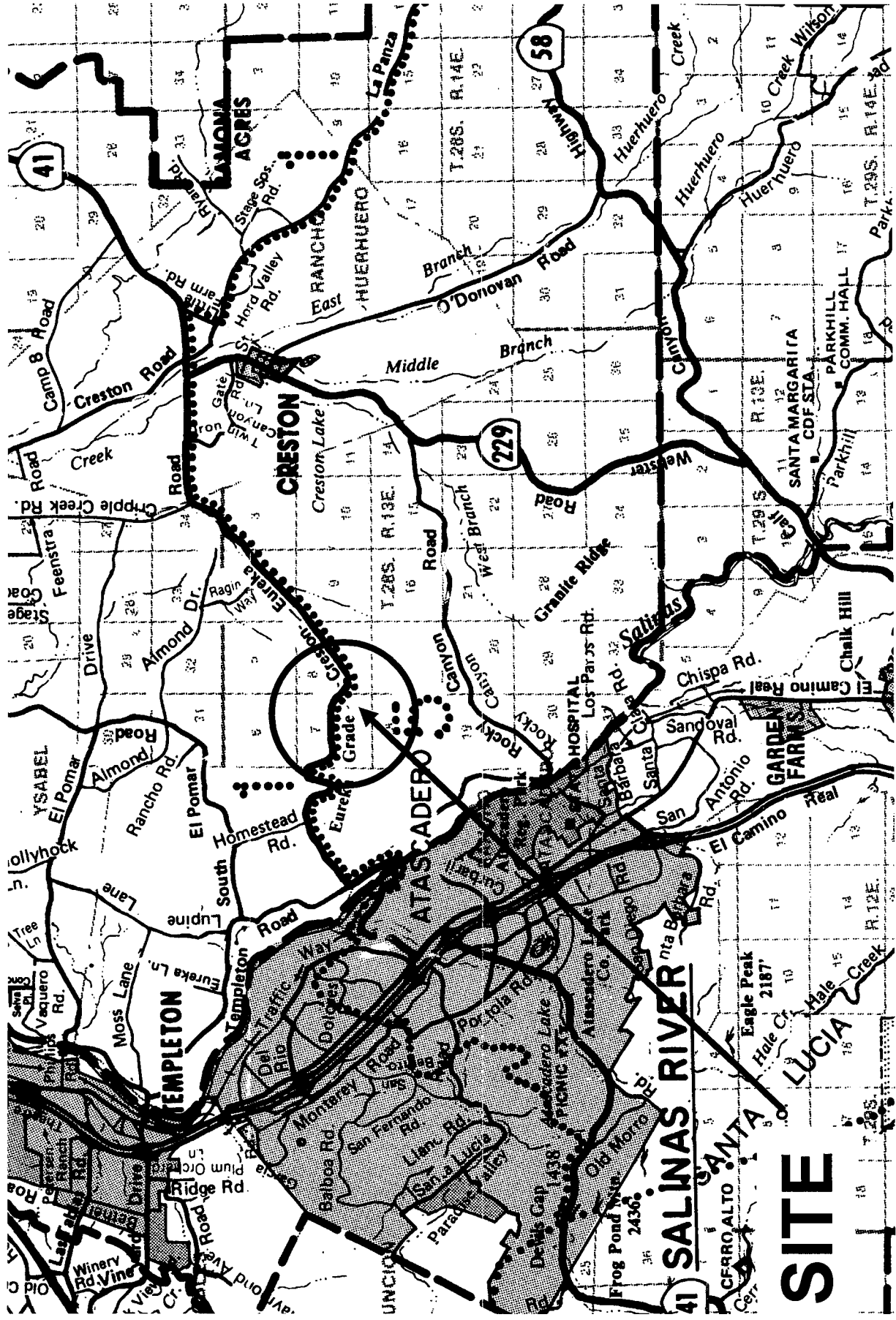
9. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

10. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

On-going conditions of approval (valid for the life of the project)

11. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
12. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



PROJECT

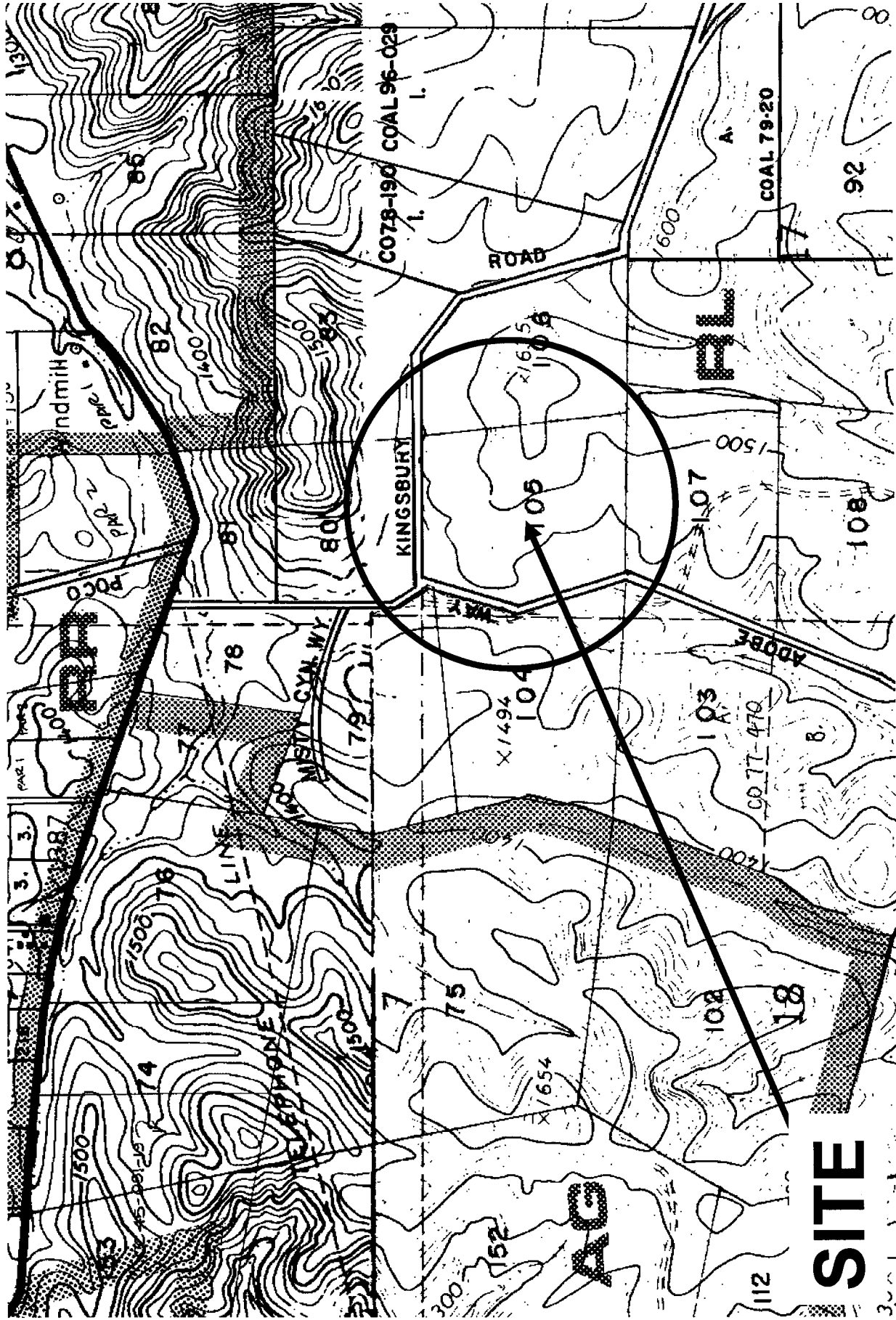
Minor Use Permit
Hazelton DRC 2005-00220

EXHIBIT

Vicinity Map



SITE



EXHIBIT

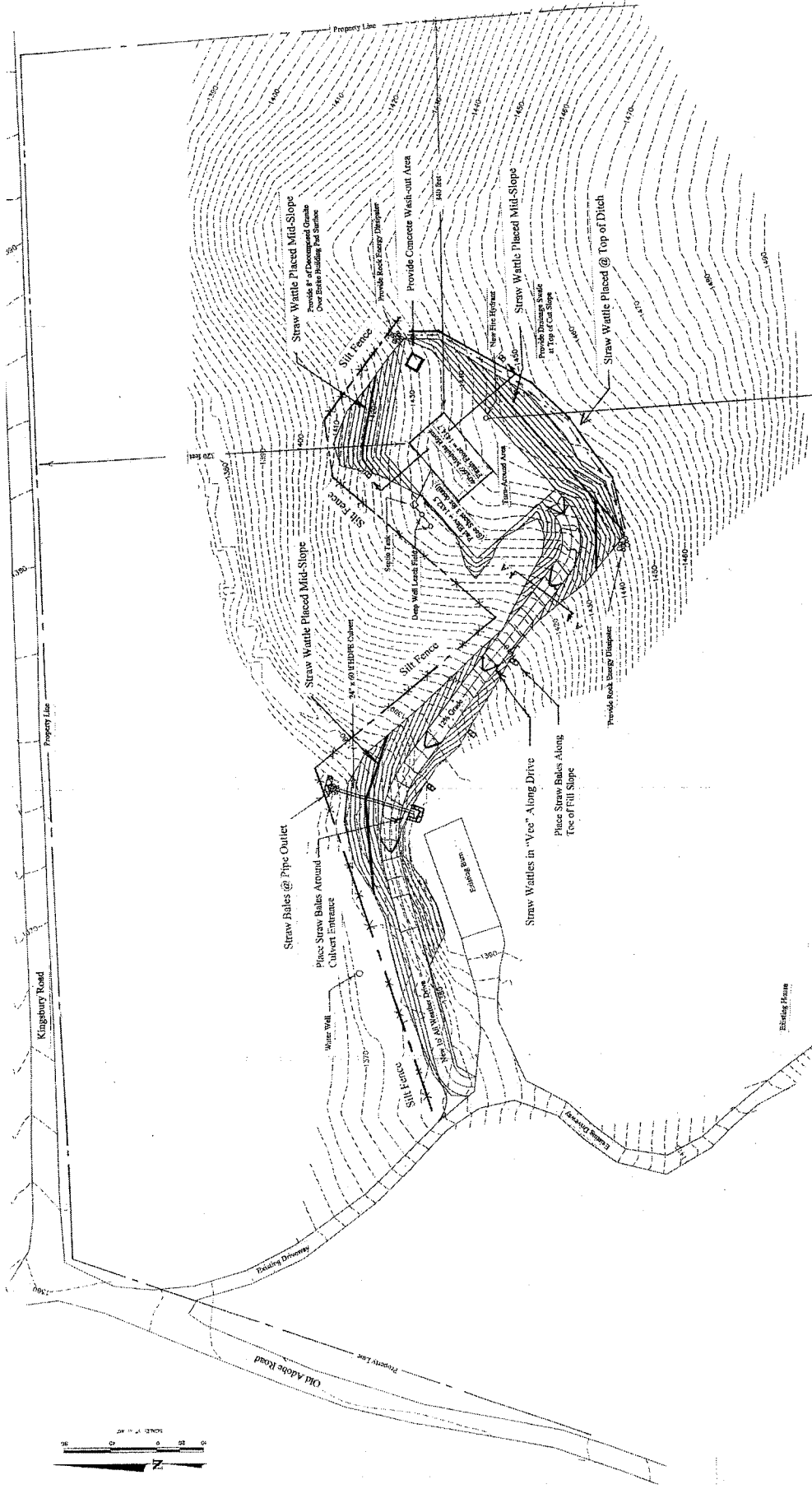
Land Use Category

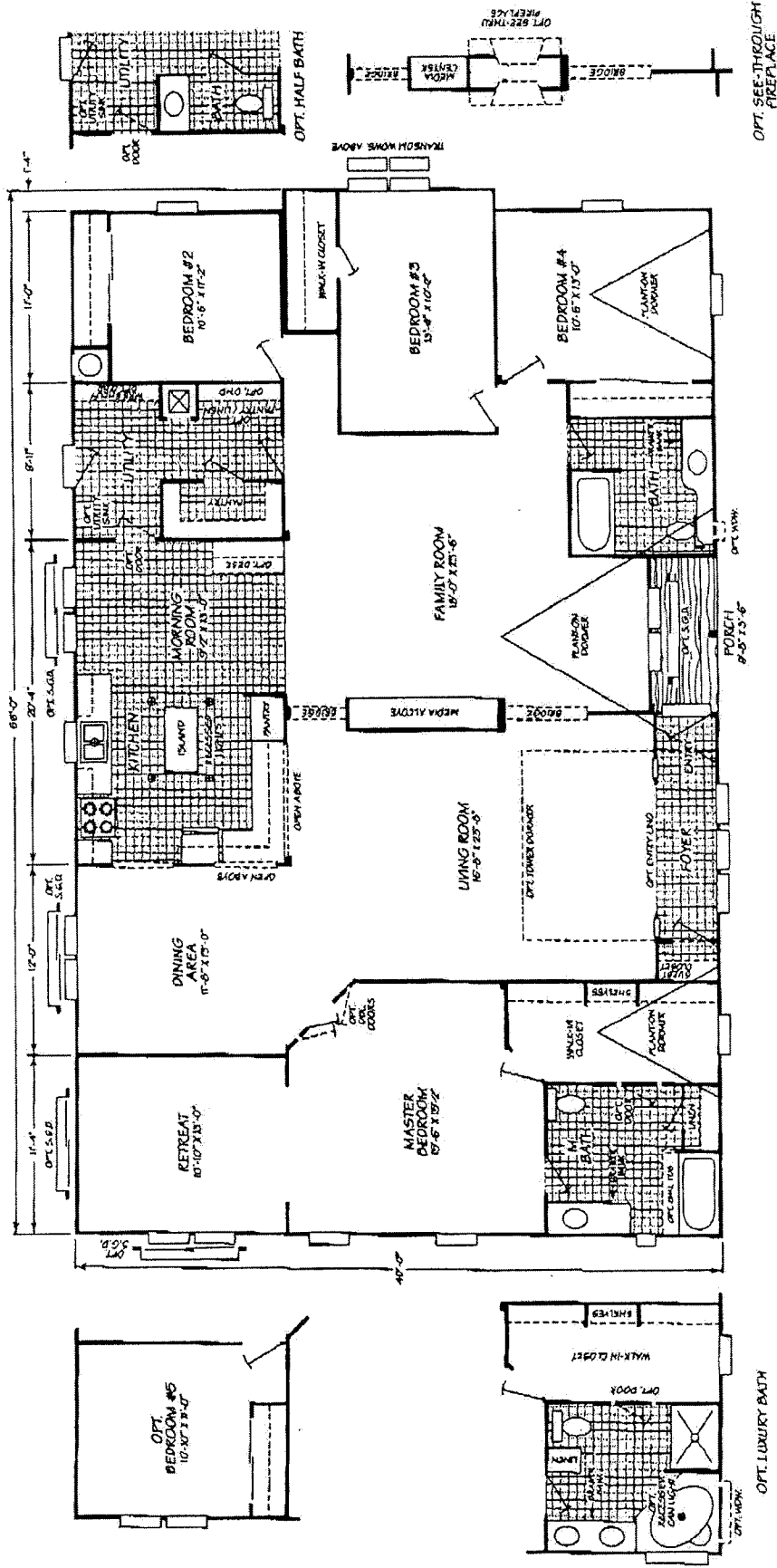


PROJECT

Minor Use Permit
Hazelton DRC 2005-00220

SITE





EXHIBIT

Floor Plan

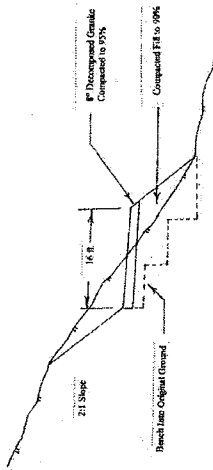


PROJECT Minor Use Permit
Hazelton DRC 2005-00220



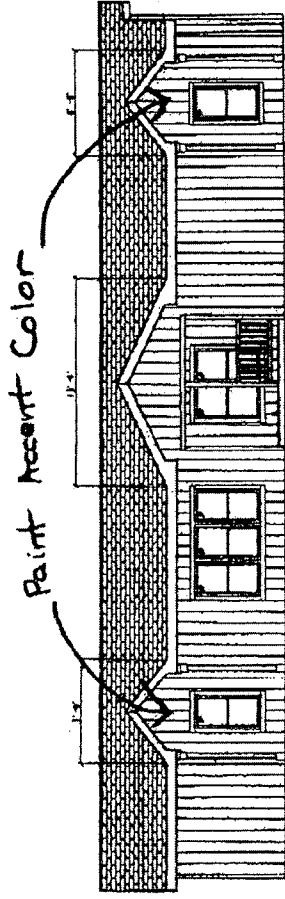
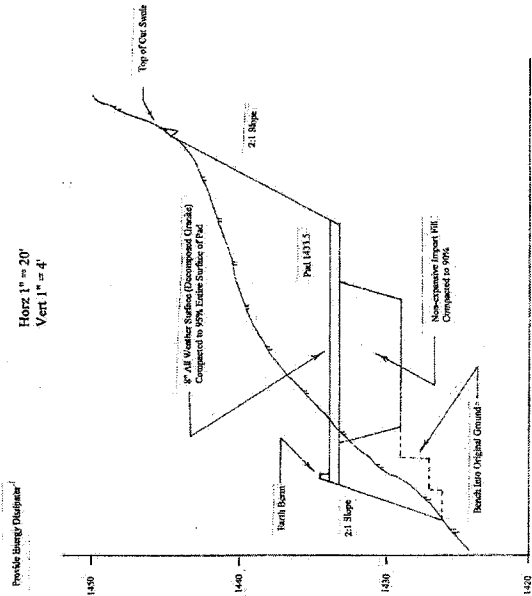
Section A - A

Horiz. 1" = 10'
Vert. 1" = 4'

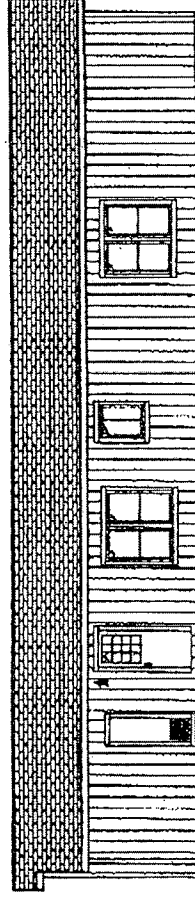


Section B - B

Horiz. 1" = 20'
Vert. 1" = 4'



FRONT



REAR

PROJECT

Minor Use Permit
Hazelton DRC 2005-00220



EXHIBIT

Sections and Elevations



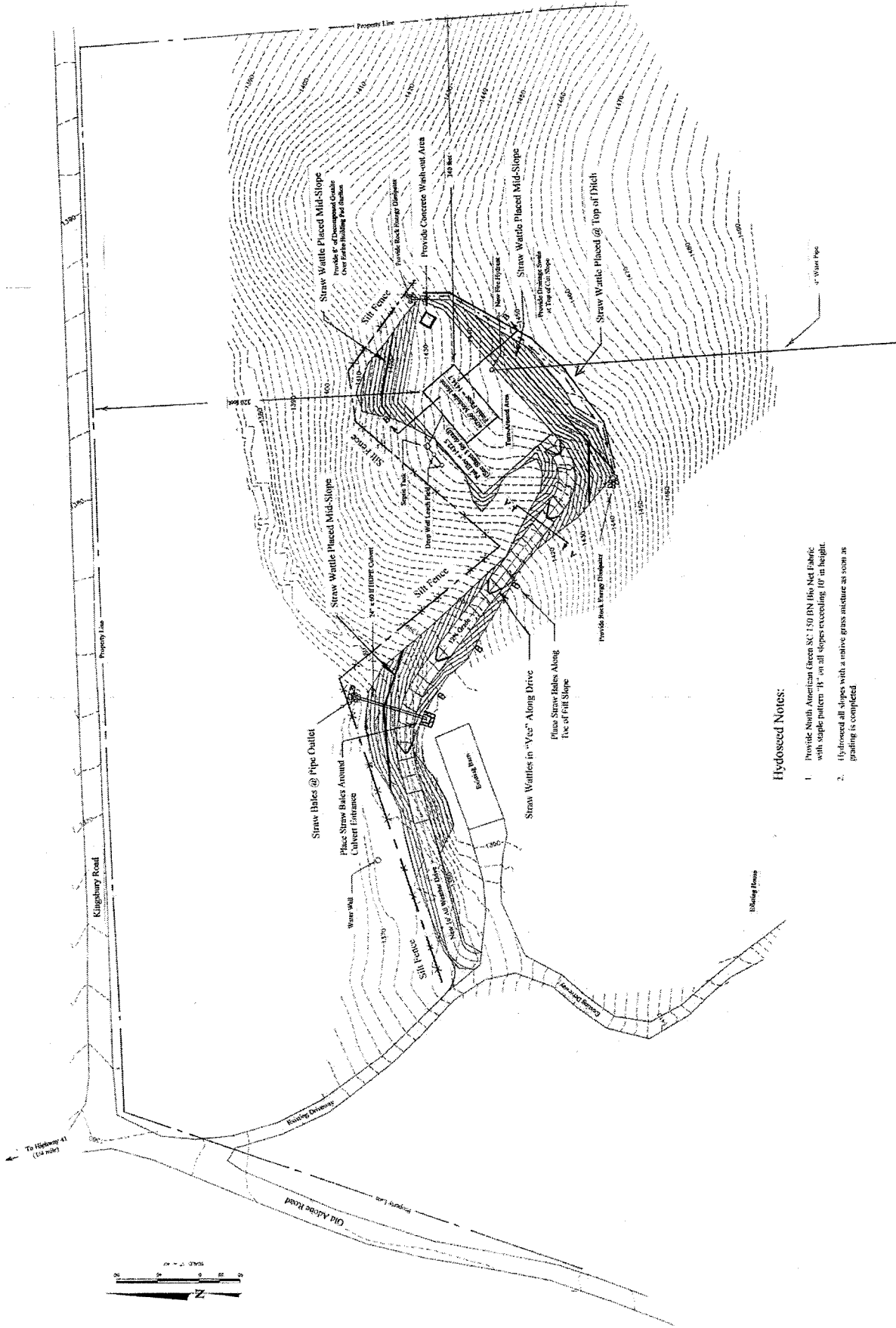
PROJECT

Minor Use Permit
Hazelton DRC 2005-00220



EXHIBIT

Aerial Photograph



Hydroseed Notes:

1. Provide North American Green SC 150 DN Udo Net Fabric with staple pattern "X" on all slopes exceeding 10' in height.
2. Hydroseed all slopes with a native grass mixture as soon as grading is completed.

PROJECT

Minor Use Permit
Hazelton DRC 2005-00220

EXHIBIT

SWPPP



Michael

10



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/16/06

TO: Karen Nall

FROM: ☐ - South County Team ☒ - North County Team ☐ - Coastal Team

PROJECT DESCRIPTION: File Number: DRC2005-00220 Applicant: Hazetton
MUP -> Grading over 1 acre for modular home bldg.
pad a driveway. 40 acre site located off Old Adobe
Rd., Templeton. APN: 034-501-007
Return this letter with your comments attached no later than: 6/1/06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Consent Agenda - Approved no issues
TAG Agenda

6/15/06
Date

Karen Nall Liaison
Name

Phone

Templeton Area Advisory Group

Architectural Review Committee (ARC)

Committee meeting on June 6 findings:

Hazelton: MUP for grading permit

Community Vision: This grading appears to be for a secondary unit, which is county regulated and allowed on 40 ac ~~AG~~ zoning.

Rural Lands

Planning States This is 2nd Primary dwelling

Biological resources: No special considerations. Surrounding uses have already set the patterns in this area. We see no significant changes.

Drainage, Erosion & Sedimentation: Considerations to route roadway run-off need to be considered to prevent mud on the road.

Water resources: Not involved

Road/Trails: Private drive grading, needs to be to County standards

Lighting: No lighting for this project should be altered or allowed.

Landscaping Plan: Private grading MUP, no landscaping involved

In summary TAAG's ARC recommends approval of this project as allowed by County standards and regulations.

TAAG Approved 7-0

6-15-06

**PROJECT REFERRAL
COMMUNITY ADVISORY COUNCIL**

Date Referred: 6/1/06

Project Planner/Manager: LeBourd

The attached application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your community group, we are enclosing a copy of the project application and plan for your preliminary review and comment. Please comment on all issues that you see may be associated with this project.

You may want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone number and address for the applicant / agent are provided on the application form that is attached.

PROJECT INFORMATION

File Number: DRC 2005-00220 Applicant: Haze Han

Request: MUP for grading 1.42ac

STAFF COMMENTS: _____

C.A.C. COMMENTS The attached checklist is to help you with your review. *You may choose to complete the checklist as your only response to this referral.*

- ☒ We have received the referral on the above-referenced project and have no comments.
☐ We have received the referral and have the following comments:

ARC Approved

Please let us know the following:

- | | | |
|------------------------------|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Does your community group want to receive notice of the public hearing for the project? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Does your community group want a copy of the staff report when the project goes to public hearing? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Does your community group want to receive notice of the final action for the project? |

Date Referral Action Taken By Community Advisory Council: 6-15-06

SEE REVERSE

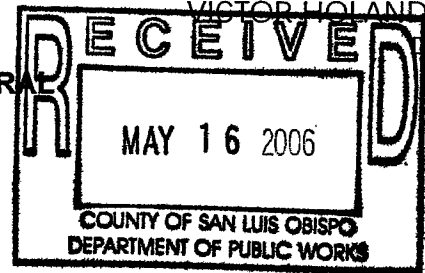
*TAA6 Approved as
submitted 7-0
JOL*



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL



DATE: 5/16/06

TO: PW

FROM: ☐ - South County Team

☒ - North County Team

☐ - Coastal Team

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PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES

(Please go on to PART II.)

☐ NO

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☐ YES

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☒ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

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IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

No Comment

5/25/06
Date

Nola Engelskinger
Name

780-2100
Phone



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/16/06

TO: Bldg.

FROM: ☐ - South County Team

☒ - North County Team

☐ - Coastal Team

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- 1) Will need sep pmf for major engineered grading
- 2) Address slope stability & landslide, Is an over excavation
- 3) If area of disturbance is > 1 acre then SWPPP req'd
shall be req'd

Date 5/18/06

Name P. Swabowski

Phone 781-5725

- 4) This ^{engineered} grading req's a lic. professional.

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us

FAX: (805) 781-1242

WEBSITE: <http://www.sloplanning.org>

- 5) Balance cut/fill if possible, plans conflict also cy or

